

Remarks

This is in response to the Office action mailed on April 8, 2004, in which all pending claims 1-10 were rejected under 35 U.S.C. 102(b) due to U.S. Pat. No. 6457772, issued to Forston. Claims 1 and 8 have been amended to clarify some of the aspects of the present invention that are not anticipated by Forston. The applicant requests that the Examiner consider the amendments above and the following remarks, and allow claims 1-10 in light thereof.

Claim 1 is not anticipated by Forston

The applicant respectfully requests that the Examiner reconsider the rejection of and allow claim 1. For example, claim 1 includes an element defined to have a substantially vertical bracket wall extending substantially perpendicularly from the housing for placement between a pair of chair backs for securing to the chair back brackets. Even if component 34 of Forston is characterized as a vertical bracket wall and component 44 of Forston is characterized as extending for placement between chair backs for securing to chair back brackets, these two components are separate and distinct from each other. Component 44 of Forston could not be characterized as a substantially vertical bracket wall without arbitrarily redefining at least one of those words relative to its understood meaning. There is no element of Forston that can reasonably be characterized as both being a substantially vertical bracket wall, and extending substantially perpendicularly from the housing, let alone whether or not such is for placement between a pair of chair backs for securing to the chair back brackets. Because of the structural distinctions of which the foregoing are illustrative, Forston does not anticipate the present invention.

Furthermore, these structural distinctions are of substantial importance to the structure and function of the

present invention. For example, in the present invention, the substantially vertical bracket wall extending substantially perpendicularly from the housing provides a number of widely spaced positions across itself at which the substantially vertical bracket wall may be secured to chair back brackets, in one embodiment. This allows an accessory support of such an embodiment of the present invention to be secured more fixedly and reliably than prior art devices, among other substantial advantages of the present invention over the prior art.

Claim 2 is not anticipated by Forston

With regard to the rejection of claim 2, the applicant respectfully requests that the Examiner reconsider the alleged anticipation by Forston. Specifically, whether or not component 44, which is defined as a vertical base member in Forston, could be recharacterized as an accessory housing, component 44 does not engage the surfaces of the chair backs. As seen in FIGS. 1 and 5 of Forston and as defined by the abstract, for example, component 44 engages a standard disposed between the depicted chairs, rather than any surface of the chairs themselves. This is not apposite to the elements of claim 2 of the present invention.

Furthermore, there is no reasonable way to interpret component 44 as including end supports that are spaced on opposite sides of component 34. Instead, component 44 is decidedly disposed, in its entirety, on one side of component 34, without extending anywhere suggestive of an opposite side of component 34. Because of essential differences between Forston and claim 2, of which the foregoing are illustrative and also including those indicated in reference to claim 1, the applicant does not perceive the corresponding rejection to be sustainable, and respectfully requests that claim 2 be allowed.

Claim 3 is not anticipated by Forston

Similarly to claim 2, the applicant respectfully requests the Examiner to reconsider the rejection of claim 3. Specifically, component 46 characterized as a flange in the Office action, is not located on an accessory support housing, but rather on what is characterized in Forston as a clamp member, separate and displaced from the separate component of Forston that must instead be characterized as the accessory support housing, according to a reasonable interpretation; and component 46 does not have an edge contoured to conform to chair back contours, but instead is shaped to grip the object characterized as a standard in Forston, disposed between chairs, rather than being itself a chair and having a chair back.

Furthermore, the rejection of claim 3 is internally logically inconsistent, without any external reference to Forston, inasmuch as it purports to characterize component 46 both as a flange, and as an edge which that same flange has. A single component cannot logically be both a thing and simultaneously a component part or aspect of that thing. Claim 3 also shares in the distinctiveness indicated for claim 1 on which it is based. For reasons of which the foregoing are illustrative, the applicant respectfully requests that the Examiner find that claim 3 is not anticipated by Forston and is allowable.

Claim 4 is not anticipated by Forston

The applicant respectfully requests that the Examiner withdraw the rejection of and allow claim 4, because it is not anticipated by Forston. Specifically, for example, component 50 of Thorston, characterized in the Office action as vertical walls, simply do not engage the chair backs, as is defined by claim 4. The elements of claim 4 therefore have not been demonstrably anticipated. Claim 4 also shares in the

inventiveness indicated in reference to claims 1 and 2 upon which it is based.

Claims 5, 6 and 7 are not anticipated by Forston

The applicant respectfully requests that the Examiner withdraw the rejection of and allow claims 5, 6 and 7, because, for example, these claims are dependent on claim 1 which the applicant believes is in condition for allowance, as amended.

Claim 8 is not anticipated by Forston

The applicant respectfully requests that the Examiner withdraw the rejection of and allow claim 8, as amended. Specifically, for example, component 50 of Forston simply does not extend outwardly from a housing for placement between and securing to the brackets of one of the chair backs and the support wall of a standard. Rather, component 50 of Forston is an extender that is disposed between other components of the Forston device, and which does not secure to any external component such as a bracket of a chair back or a support wall of a standard. Therefore, Forston does not anticipate claim 8 as amended, and the applicant respectfully requests that claim 8 be allowed.

Claim 9 is not anticipated by Forston

The applicant respectfully requests that the Examiner reconsider the rejection of and allow claim 9, because it is not anticipated by Forston. Specifically, for example, component 44 of Forston does not have an edge contoured to fit a recess formed by adjacent chair backs. On the contrary, component 44 is shaped to clamp onto an object such as a standard between chairs, and is not depicted fitting against any chair back, nor showing any contour other than straight. Claim 9 also shares in the inventiveness of claim 8 on which it is based, as indicated

above. Therefore, Forston does not anticipate claim 9, and the applicant respectfully requests that claim 9 be allowed.

Claim 10 is not anticipated by Forston

The applicant respectfully requests that the Examiner withdraw the rejection of and allow claim 10, because, for example, it is dependent on claim 8 which the applicant believes is in condition for allowance, as amended.

Allowance of claims 1-10 is requested

Due to what the applicant understands to be distinctive and substantial differences in structure and function between the present invention and Forston, of which the above remarks are illustrative, which demonstrate the lack of anticipation of the present claims by Forston, the applicant respectfully requests that the Examiner allow claims 1-10 to issue.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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